IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5122 OF 2006

Sou.Bharati alias Sadhana
Satappa Tanwade & Anr. .. Petitioners.
Vs.
Ananda Yeshwant Kurale & Ors. .. Respondents.

Mr.S.B.Deshmukh for the petitioners.
Mr.P.R.Arjunwadkar for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.
DATED : 12TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 to 3.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing. Mr.Arjunwadkar, learned counsel waives service for respondent nos.1 to 3.

3. The petitioner has taken exception to the order dated 5.5.2006 by which the miscellaneous civil appeal no.186 of 2004 filed by the respondent-defendant has been allowed and the order dated 2.9.2004 passed by the trial Court on the applications at Exhibit-5 and 29 in regular civil suit no.27 of 2004 has been set aside. By the order dated 2.9.2004 the trial Court had allowed the application filed by the petitioner and rejected the application

at Exhibit-29 filed by the respondent-defendant and they were temporarily restrained from causing obstruction to the plaintiff over the suit property till final disposal of the suit. While allowing the appeal and setting aside the order dated 2.9.2004 the appeal court allowed the application at Exhibit-29 filed by the respondent-defendant and restrained the petitioners from causing obstruction to the peaceful possession of the respondent-defendant over the suit land till final disposal of the suit. I perused the orders passed by the courts below. The learned counsel for the parties have fairly stated that I need not record the reasons for allowing this writ petition partly and they have agreed for the following order:

(a) The parties are directed to maintain status quo till the disposal of regular civil suit no.27 of 2004.

(b) The trial Court shall decide the suit as expeditiously as possible and in any case within one year from the date of receipt of this order on merits in accordance with law and without being influenced by the observations made in the impugned order. The impugned orders stand modified in the aforesaid terms.

. Rule is disposed of. No costs.

(D.B.Bhosale, J.)